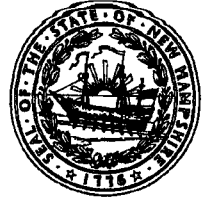




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Richmond Realty Trust
Alan E. Greenhalgh, Trustee
Priscilla L. Greenhalgh, Trustee
PO Box 101
Goshen, NH 03752

Re: Rand Pond Road
Shoreland File #2006-01141

**ADMINISTRATIVE ORDER
No. WD 06-026**

June 27, 2006

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division to Alan and Priscilla Greenhalgh as co-trustees of Richmond Realty Trust pursuant to RSA 483-B. This Administrative Order is effective immediately upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly-constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Richmond Realty Trust ("RRT") is apparently a trust believed to own property in New Hampshire, having a mailing address of PO Box 101, Goshen, NH 03752.
3. Priscilla L. Greenhalgh and Alan E. Greenhalgh are co-trustees of RRT.

C. STATEMENTS OF FACTS AND LAW

1. Pursuant to RSA 483-B, the Comprehensive Shoreland Protection Act ("CSPA"), the Department of Environmental Services ("DES") regulates development activities in the protected shoreland zone established under the CSPA. Pursuant to RSA 483-B:17, the Commissioner of DES has adopted Env-Ws 1400 to implement this program.
2. Pursuant to RSA 483-B:4 XVIII-b, "Repair" means work conducted to restore an existing, legal structure by partial replacement of worn, broken, or unsound parts or to fix a specific defect, during which all of the exterior dimensions are intact and remain so during construction.
3. Pursuant to RSA 483-B:4 XVIII-c, "Replace in kind" means the substitution of a new structure for an existing legal structure, whether in total or in part, with no change in size, dimensions, footprint, interior square footage, and location, with the exception of changes resulting in an increase in the setback to public waters.
4. Pursuant to Env-Ws 1406.03, Conversion of Decks and Porches Prohibited, no deck or porch located between the primary building line and the reference line shall be converted to become part of the primary living space.

5. RRT is the owner of land located on Rand Pond Road in Goshen, more particularly described on the Goshen Tax Map as Map 209 Lot 78-1 ("the Property").

6. On May 15, 2006, DES received two complaints alleging expansion of an existing primary residence outside the existing footprint on the Property.

7. By letter dated May 19, 2006, DES notified RRT of the complaint, requested that it refrain from further work and respond to the allegation in writing within 20 days of receipt of the letter.

8. On May 26, 2006, DES personnel conducted a site inspection of the Property and observed the following:

- a. Ongoing construction activities were enclosing a deck, measuring approximately 10 feet by 25 feet, and converting it to part of the primary living space. The deck was located within the primary building setback on the Property;
- b. The original roof was replaced and modified to increase the ridgeline height, the pitch, and extended to include the deck identified in C.8.a, above;
- c. The original exterior wall separating cabin's primary living space from the deck was removed and a new exterior wall had been constructed enclosing the deck area thereby increasing the primary living space;
- d. Individuals continued to work on the primary residence at the time of the inspection of the Property.

D. DETERMINATION OF VIOLATIONS

1. RRT has violated RSA 483-B:11, I, by changing the ridge line expanding the outside dimensions.
2. RRT has violated RSA 483-B:4 XVIII-b, by failing to maintain the exterior dimensions.
3. RRT has violated RSA 483-B: XVIII-c, by failing to maintain the size, dimensions, footprint and interior square footage of the primary residence.
4. RRT has violated Env-Ws 1406.03 by converting a deck to primary living space.

E. ORDER

Based on the above findings, DES hereby orders RRT as follows:

1. **Within 30 days of the date of this Order**, completely remove the roof, exterior walls and windows constructed to enclose the 10 foot by 25 foot deck and reconstruct the previously existing exterior wall which had separated the deck from the primary living space.
2. **Within 40 days of the date of this Order**, submit photo documentation that you have brought the property into compliance in accordance with E.1 above.
3. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
DES Water Division
P.O. Box 95
Concord, NH 03302-0095
Fax: (603) 271-6588
e-mail: jblecharczyk@des.state.nh.us

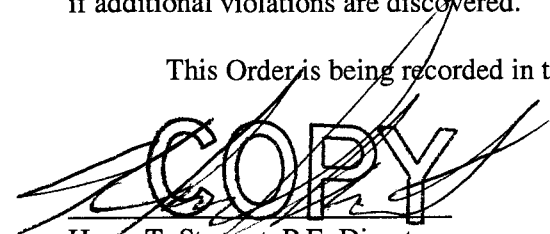
F. APPEAL


Any person aggrieved by this Order may appeal the Order to the New Hampshire Water Council in accordance with RSA 483-B:14 and NH Administrative Rules Env-WC 200. Such appeal must be filed with the Council within 30 days of the date of this Order and must be addressed to Chairman, Water Council, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve RRT of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 483-B:18 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. DES will continue to monitor RRT's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Sullivan County Registry of Deeds so as to run with the land.


Harry T. Stewart, P.E. Director
Water Division


Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail: 7006 0100 0005 8153 5290

cc: Gretchen Hamel, Legal Unit Administrator
Public Information Officer, DES PIP Office
Jennifer Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
Goshen Conservation Commission
Goshen Board of Selectmen
Michael C. Shklar,
Carl Wideberg, Rand Pond Protective Association, Inc.